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PTO/SB/21 (08-03)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

131

Application Number

09/744,846

Filing Date

05/24/2001

First Named Inventor

Moreau, Jacques-Pierre

Art Unit

1631

Examiner Name

Borin, Michael L.

Attorney Docket Number

00537-182002

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Response to Missing Parts/Incomplete Application



Response to Missing Parts under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



After Allowance communication to Technology Center (TC)



Appeal Communication to Board of Appeals and Interferences



Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please Identify below):

Request for Continued Examination

**Remarks**

The following forms are submitted in duplicate: Fee Transmittal Form, Extension of Time Request, and Request for Continued Examination. Also submitted is an Information Disclosure Statement and Authorization to Charge Deposit Account and a copy of each reference cited on Form PTO/SB/08B

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name

Biomeasure, Inc.  
Alan F. Feeney, Attorney for Applicant; Reg. No. 43,609

Signature

Date

10/29/2003

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Dawn M. Janelle

Signature

Date

10/29/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)**1720****Complete if Known**

Application Number	<b>09/744,846</b>
Filing Date	<b>05/24/2001</b>
First Named Inventor	<b>Moreau, Jacques-Pierre</b>
Examiner Name	<b>Borin, Michael L.</b>
Art Unit	<b>1631</b>
Attorney Docket No.	<b>00537-182002</b>

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name**50-0590****Biomeasure, Inc.**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Total Claims	Extra Claims	Fee from below	Fee Paid
		-20** =	X	
Independent Claims		-3** =	X	
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	<b>950</b>
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	<b>770</b>
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**(\$)**1720****SUBMITTED BY**

Name (Print/Type)	<b>Alan F. Feeney</b>	Registration No. (Attorney/Agent)	<b>43,609</b>	Telephone	<b>(508) 478-0144</b>
Signature	<i>Alan F. Feeney</i>	Date	<b>10/29/2003</b>		

(Complete if applicable)

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PATENT  
ATTORNEY DOCKET NO. 00537/182002

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**CERTIFICATE OF MAILING**

I hereby certify under 37 C.F.R. 1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as **first class mail** on the date indicated below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

[ ] If checked, two copies of this correspondence are enclosed.

Date of Deposit: 10/29/03

Dawn M. Janelle  
Signature  
Dawn M. Janelle  
Printed name of person mailing correspondence

Applicant:	MOREAU, JACQUES-PIERRE	Art Unit:	1631
Serial No.:	09/744,846	Examiner:	BORIN, MICHAEL L.
Filed:	May 24, 2001		
Title:	METHODS OF USING A SOMATOSTATIN ANALOGUE		

**INFORMATION DISCLOSURE STATEMENT AND AUTHORIZATION TO  
CHARGE DEPOSIT ACCOUNT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- [ ] under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- [ X] under 37 CFR 1.97(b), or  
(Whichever occurs last of the following: within three months of filing national application; within three months of date of entry of the national stage in international application; before the mailing date of first office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination)
- [ ] under 37 CFR 1.97(c) together with either:
- [ ] a Statement under 37 CFR 1.97(e), as checked below, or
- [ ] a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- [ ] under 37 CFR 1.97(d) together with:
- [ ] a Statement under 37 CFR 1.97(e), as checked below, and
- [ ] a Petition under 37 CFR 1.97(d)(2), and
- [ ] a \$130.00 petition fee set forth in 37 CFR 1.17(i).  
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- [ ] Applicant requests that the attached IDS and cited reference(s) [ ] be placed in the application filewrapper.  
(Filed after payment of issue fee)
- [ X] Some of the listed references were cited in a European Search Report in a counterpart European application or cited in a communication from a foreign patent office in a counterpart foreign application.

☒ [ X ] Enclosed herewith is form PTO/SB/08B (2 pages), with a copy of each reference noted thereon.

☐ [ ] Copies of the reference(s) noted on the enclosed form PTO/SB/08 were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [ ], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)).

Concise Explanation Requirement (non-English references):

☒ [X] The "concise explanation" requirement for reference(s) [AD, AK] under 37 CFR 1.98(a)(3) is satisfied by:

- ☐ [ ] the explanation provided on the attached sheet.
- ☐ [ ] the explanation provided in the Specification.
- ☐ [ ] submission of the enclosed International Search Report.
- ☒ [X] the enclosed English language abstracts.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO/SB/08B appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Statement Under 37 CFR 1.97(e):

- ☐ [ ] Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ [ ] No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

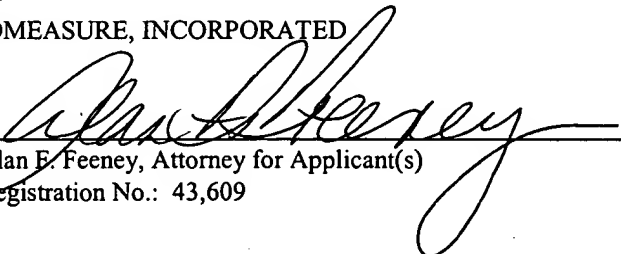
Method of payment:

- ☐ [ ] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ [X] No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☐ [ ] The Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,

BIOMEASURE, INCORPORATED

Dated: 10/29/2003

By   
Alan E. Feeney, Attorney for Applicant(s)  
Registration No.: 43,609

27 Maple Street  
Milford, Massachusetts 01757  
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Facsimile: (508) 473-3531



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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	09/744,846		
		Filing Date	05/24/2001		
		First Named Inventor	Moreau, Jacques-Pier		
		Art Unit	1631		
		Examiner Name	Borin, Michael L.		
Sheet	1	of	2	Attorney Docket Number	00537-182002

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AA	ARCIDIACONO, et al., "The Use of a Long-Acting Somatostatin Analogue (Octreotide) for Prophylaxis of Acute Pancreatitis After Sphincterotomy," Endoscopy 1994; 26:715-718	
	AB	ARNOLD, et al., "Treatment of Neuroendocrine GEP Tumours with Somatostatin Analogues," Digestion 2000; 62(suppl 1)84-91	
	AC	BOTELLA, et al., "In Vivo Inhibitory Effect of Lanreotide (BIM 23014), a New Somatostatin Analog, .....", Peptides 1993; 14:297-301	
	AD	BRUNAUD, et al., ["Evaluation of Somatostatin or Octreotide Efficacy," abstract in English; article in French] Ann Chir 2001;126:34-41	
	AE	COPLAN, et al., "A View on Noradrenergic, Hypothalamic-Pituitary-Adrenal Axis ...," Psychopharmacol Bull 1997; 33:193-204	
	AF	DEBAS, et al., "Somatostatin Analogue Therapy in Functioning Neuroendocrine Gut Tumors," Digestion 1993; 54(suppl 1):68-71	
	AG	DELMONT, et al., Comment in Aliment Pharmacol Ther 1995; 9:581-583	
	AH	DEMETRIADES, et al., "Effects of Lanreotide on the Healing of Small Bowel Anastomoses Following Obstructive Ileus in Rats," Colorectal Dis 2002; 4:23-27	
	AI	GAZTAMBIDE, et al., "Short- and Long-Term Effect of a Long-Acting Somatostatin Analogue, Lanreotide (SR-L) on Metastatic Gastrinoma," J. Endocrinol Invest 1999; 22:144-146	
	AJ	GOMEZ-CEREZO, et al., "Pancreatic Ascites: Study of Therapeutic Options by Analysis of Case Reports .....", Am J Gastroenterol 2003; 98: 568-577	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Application Number	09/744,846		
		Filing Date	05/24/2001		
		First Named Inventor	Moreau, Jacques-Pier		
		Art Unit	1631		
		Examiner Name	Borin, Michael L.		
Sheet		of		Attorney Docket Number	00537-182002

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AK	JAROSZ, et al., ["A Case of Ascites in the Course of Acute Pancreatitis," abstract in English; article in Polish] Pol Arch Med Wewn 1997; 97:56-61	
	AL	JENKINS, et al., "Review Article: the Relative Effectiveness of Somatostatin and Octreotide Therapy in Pancreatic Disease," Aliment Pharmacol Ther 1995; 9:349-361	
	AM	JENKINS, et al., Letter to Editor re Sancho, et al. [Cite No. AR], in Br J Surg 1995; 82:1576	
	AN	MATON, P.N., "Expanding Uses of Octreotide," Baillieres Clin Gastroenterol 1994; 8:321-337	
	AO	McKAY, et al., "A Randomized, Controlled Trial of Octreotide in the Management of Patients with Acute Pancreatitis," Int J of Pancreatol 1997; 21:13-19	
	AP	MILLER, et al., "Failure of Somatostatin or an Analog to Promote Closure of End Pancreatic Fistulae," Int J Pancreatol 1989; 4:65-72	
	AQ	NWARIAKU, et al., "Is Octreotide Beneficial Following Pancreatic Injury," Am J Surg 1995; 170:582-585	
	AR	SANCHO, et al., "Randomized Double-Blind Placebo-Controlled Trial of Early Octreotide in Patients with Postoperative Enterocutaneous Fistula," Br J Surg 1995; 82:638-641	
	AS	UHL, et al., "The Role of Octreotide and Somatostatin in Acute and Chronic Pancreatitis," Digestion 1999; 60(suppl 2)23-30	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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